



General Assembly

February Session, 2000

***Raised Bill No. 508***

LCO No. 2092

Referred to Committee on Environment

Introduced by:  
(ENV)

***An Act Concerning Minor Revisions To Certain Environmental Laws.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 16-244c of the general statutes is amended by  
2 adding subsection (g) as follows:

3 (NEW) (g) Each electric distribution company providing electric  
4 generation services pursuant to this section shall comply with the  
5 portfolio standards, pursuant to section 16-245a.

6 Sec. 2. Section 47 of public act 99-173 is repealed and the following is  
7 substituted in lieu thereof:

8 (a) For purposes of this section, "donation of open space land"  
9 means the value of any land conveyed without financial consideration,  
10 or the value of any discount of the sale price in any sale of land or  
11 interest in land, to the state, a political subdivision of the state or to  
12 any nonprofit land conservation organization where such land is to be  
13 permanently preserved as protected open space.

14 (b) There shall be allowed a credit for all taxpayers against the tax

15 imposed under section 12-217 of the general statutes, as amended by  
16 this act in an amount equal to fifty per cent of any donation of open  
17 space land. For purposes of calculating the credit under this section,  
18 the amount of donation shall be based on the use value of the donated  
19 open space land. For purposes of this subsection, "use value" means  
20 the fair market value of land at its highest and best use, as determined  
21 by a qualified appraiser approved by the Department of  
22 Environmental Protection.

23 Sec. 3. Section 12-263m of the general statutes, as amended by  
24 section 2 of public act 99-216, is repealed and the following is  
25 substituted in lieu thereof:

26 (a) There shall be paid to the Commissioner of Revenue Services by  
27 each dry cleaning establishment, as defined in this subsection, a  
28 surcharge of one per cent of its gross receipts at retail for any dry  
29 cleaning service performed on or after January 1, 1995. Each such  
30 establishment shall register with the Commissioner of Revenue  
31 Services on forms prescribed by [him] the commissioner. Each such  
32 establishment shall submit a return quarterly to the Commissioner of  
33 Revenue Services, applicable with respect to the calendar quarter  
34 beginning January 1, 1995, and each calendar quarter thereafter, on or  
35 before the last day of the month immediately following the end of each  
36 such calendar quarter, on a form prescribed by the commissioner,  
37 together with payment of the quarterly surcharge determined and  
38 payable in accordance with the provisions of this section. Whenever  
39 such surcharge is not paid when due, a penalty of ten per cent of the  
40 amount due or fifty dollars, whichever is greater, shall be imposed,  
41 and such surcharge shall bear interest at the rate of one per cent per  
42 month or fraction thereof until the same is paid. The Commissioner of  
43 Revenue Services shall cause copies of a form prescribed for  
44 submitting returns as required under this section to be distributed to  
45 persons subject to the surcharge. Failure to receive such form shall not  
46 be construed to relieve anyone subject to the surcharge under this  
47 section from the obligations of submitting a return, together with

48 payment of such surcharge within the time required. The provisions of  
49 sections 12-548 to 12-554, inclusive, and sections 12-555a and 12-555b  
50 shall apply to the provisions of this section in the same manner and  
51 with the same force and effect as if the language of said sections 12-548  
52 to 12-554, inclusive, and sections 12-555a and 12-555b had been  
53 incorporated in full into this section and had expressly referred to the  
54 surcharge imposed under this section, except to the extent that any  
55 such provision is inconsistent with a provision of this section and  
56 except that the term "tax" shall be read as "dry cleaning establishment  
57 surcharge". Any moneys received by the state pursuant to this section  
58 shall be deposited into the account established pursuant to subsection  
59 (b) of this section. For the purposes of this section, (1) "dry cleaning  
60 establishment" means any place of business engaged in the cleaning of  
61 clothing or other fabrics using tetrachlorethylene, Stoddard solvent or  
62 other chemicals or any place of business which accepts clothing or  
63 other fabrics to be cleaned by another establishment using such  
64 chemicals, (2) "owner of a dry cleaning establishment site" means the  
65 owner of property where a dry cleaning establishment had operated  
66 on or after January 1, 1995, but has since ceased to operate, and (3)  
67 "gross receipts at retail" means the total amount accruing from dry  
68 cleaning services at retail, valued in money, without any deduction for  
69 the cost of the materials used, labor or service cost or any other  
70 expense.

71 (b) There is established an account within the General Fund to be  
72 known as the "dry cleaning establishment remediation account". Said  
73 account shall contain any moneys required by law to be deposited in  
74 the account. Any balance remaining in the account at the end of any  
75 fiscal year shall be carried forward in the account for the fiscal year  
76 next succeeding. The account shall be used by the Department of  
77 Economic and Community Development for grants made to owners or  
78 operators of dry cleaning establishments and to owners of dry cleaning  
79 establishment sites pursuant to subsections (c) and (d) of this section.

80 (c) The state, acting through the Commissioner of Economic and

81 Community Development, shall use the dry cleaning establishment  
82 remediation account to provide grants to dry cleaning establishments  
83 and to owners of dry cleaning establishment sites for the purposes of  
84 the containment and removal or mitigation of environmental pollution  
85 resulting from the discharge, spillage, uncontrolled loss, seepage or  
86 filtration of chemical liquids or solid, liquid or gaseous products or  
87 hazardous wastes on or at the site of such establishment or for  
88 measures undertaken to prevent such pollution which are approved by  
89 the Commissioner of Environmental Protection. In order to qualify for  
90 a grant under the provisions of this section a dry cleaning  
91 establishment or owner of a dry cleaning establishment site must  
92 demonstrate to the satisfaction of the Commissioner of Economic and  
93 Community Development that it (1) is using or has previously used,  
94 tetrachlorethylene or Stoddard solvent or other chemicals for the  
95 purpose of cleaning clothes or other fabrics, (2) has [been doing] done  
96 business and [has] maintained its principal office and place of business  
97 in this state as a dry cleaning establishment for a period of at least one  
98 year prior to the date of its application for assistance under this  
99 section, (3) is unable to obtain financing from conventional sources on  
100 reasonable terms or in reasonable amounts, and (4) is not in arrears  
101 with regard to any tax levied by the state or any political subdivision  
102 of the state. Any funds disbursed as a grant under this section shall not  
103 be subject to attachment in the satisfaction of any judgment against the  
104 recipient of such grant in any civil action.

105 (d) Notwithstanding the terms of any grant made under this section,  
106 a dry cleaning establishment or owner of a dry cleaning establishment  
107 site shall bear all the costs of such pollution that are less than ten  
108 thousand dollars, provided, for a release that was reported to the  
109 Commissioner of Environmental Protection prior to December 31,  
110 1990, the responsible party shall bear all costs up to twenty thousand  
111 dollars. No dry cleaning establishment or owner of a dry cleaning  
112 establishment site shall receive more than fifty thousand dollars per  
113 calendar year. There shall be allocated to the Department of Economic  
114 and Community Development annually from the account, for

115 administrative costs, an amount equal to five per cent of the maximum  
116 balance of the account in the preceding year or one hundred thousand  
117 dollars, whichever is greater. In addition the account may be used (1)  
118 to provide grants to the Department of Environmental Protection for  
119 expenditures made investigating dry cleaning establishments and dry  
120 cleaning establishment sites, and (2) to provide potable water  
121 whenever necessary.

122 (e) Requests for grants shall be made to the Commissioner of  
123 Economic and Community Development. Any dry cleaning  
124 establishment or owner of a dry cleaning establishment site seeking  
125 grants shall provide documentation supporting the need for the grant.

126 (f) Any owner or operator of a dry cleaning establishment [which]  
127 or owner of a dry cleaning establishment site who unlawfully or  
128 intentionally discharges or spills any chemical liquids or solid, liquid  
129 or gaseous products or hazardous wastes shall not be eligible for  
130 grants from the account.

131 (g) The Commissioner of Economic and Community Development  
132 shall establish procedures for distribution of the grants and shall adopt  
133 criteria to carry out the provisions of this section. Such criteria shall  
134 specify (1) who may apply for grants; (2) how establishments, whether  
135 owned or leased, will be determined to be eligible for grants; and (3)  
136 the costs for which a grant may be made.

137 (h) On or before February 1, 2000, the Commissioner of Economic  
138 and Community Development shall submit a report to the joint  
139 standing committee of the General Assembly having cognizance of  
140 matters relating to the environment regarding the account and grant  
141 program established under this section. Such report shall include  
142 information as to the number of applications received, and the number  
143 and amounts of grants made, since the inception of the program, the  
144 names of the applicants, the time period between submission of  
145 application and the decision to grant or deny the loan, which  
146 applications were approved and which applications were denied and

147 the reasons for denial. Such report shall further include a  
148 recommendation as to whether the surcharge and the grant program  
149 established under this section should continue.

150 Sec. 4. Subsection (f) of section 22a-63 of the general statutes, as  
151 amended by section 23 of public act 99-225, is repealed and the  
152 following is substituted in lieu thereof:

153 [(f) Any person described in subsection (a) of this section who  
154 violates subsection (d) of section 22a-61, subsection (e) of section 22a-  
155 61, subsection (a) of section 23-61a or subsection (a) of section 23-61b]

156 (f) Any person who is not certified as a commercial applicator under  
157 section 22a-54 who performs or advertises or solicits to perform  
158 commercial application of a pesticide, or any person possessing an  
159 operational certificate for commercial application under section 22a-54  
160 who performs or advertises or solicits to perform any activity  
161 requiring a supervisory certificate for commercial application shall be  
162 assessed a civil penalty in an amount not less than one thousand  
163 dollars nor more than two thousand dollars for each day such violation  
164 continues. [For any subsequent violation, such penalty shall be not  
165 more than five thousand dollars.] The Attorney General, upon  
166 complaint of the commissioner, may institute a civil action to recover  
167 such penalty in the superior court for the judicial district of Hartford.  
168 Any penalties collected under this subsection shall be deposited in the  
169 Environmental Quality Fund established under section 22a-27g and  
170 shall be used by the commissioner to carry out the purposes of this  
171 section.

172 Sec. 5. Section 22a-134a of the general statutes is amended by adding  
173 subsection (n) as follows:

174 (NEW) (n) The form for Form III certification prescribed and  
175 provided by the commissioner shall explicitly state that the party  
176 completing such form is certifying that a discharge, spillage,  
177 uncontrolled loss, seepage or filtration of hazardous waste has

178 occurred or that the environmental conditions at the parcel are  
179 unknown.

180 Sec. 6. This act shall take effect from its passage and shall be  
181 applicable to all donations made on or after the income year  
182 commencing January 1, 1999, except that sections 1 and 3 to 5,  
183 inclusive, shall take effect October 1, 2000.

***Statement of Purpose:***

To make minor revisions to the environmental statutes.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*